IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2662 OF 2006
IN
WRIT PETITION NO.2511 OF 1991

Vasant Vaman Patwardhan .. Petitioner.
Vs.
Rama Sadu Narkar .. Respondent.
And
1. Sitabai Rama Narkar & Ors. .. Respondents.

Mr.S.G.Karandikar for the petitioner.
Mr.S.M.Kazi for the applicants.

CORAM : D.B.BHOSALE, J.
DATED : 13TH JUNE, 2007

P.C.:

. Heard learned counsel for the parties.

2. By this civil application the heirs of original respondent - Rama Sadu Narkar have prayed for setting aside a judgment and order dated 10th December, 2004. By this judgment writ petition No.2511 of 1991 came to be disposed of and the judgment and order of Maharashtra Revenue Tribunal was set aside. In this application, the applicants have stated that on the date when the writ petition was heard and disposed of i.e. 10.12.2007 the sole respondent had already expired and his heirs were not brought on record by the petitioner. This statement in the application has not been controverted by the learned counsel for the petitioner - Vasant Vaman

Patwardhan. The deceased respondent - Rama Sadu Narkar died on 11.8.2002. Mr.Karandikar, learned counsel for the petitioner and who appeared for the petitioner when the petition was disposed of on 10.12.2004 fairly stated that neither he was aware about the death of the sole respondent - Rama Narkar nor his client ever informed him about the same. In the circumstances I am inclined to allow the application in terms of prayer clause (a), (b) and (c). Prayer clause (a), (b) and (c) read thus:

> "(a) Delay in taking out this application may be condoned.
>
> (b) That the names of Applicants be brought on record in the place and stead of deceased respondent,
>
> (c) Order dated 10th December, 2004 passed by this Hon'ble Court be set aside and the above Petition be restored to file for hearing on merits."

3. The petitioner is directed to add the applicants, who are the only heirs and legal representatives of the deceased respondent, as respondents within two weeks from today. Mr.Kazi, learned counsel waives service on behalf of all the heirs of deceased respondent. Office is directed to place the writ petition for hearing before the regular court after two weeks.

(D.B.BHOSALE, J.)